



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

EAG/FTB
F. #2018R02344

*271 Cadman Plaza East
Brooklyn, New York 11201*

March 23, 2021

By FedEx and ECF

Marshall L. Miller, Esq.
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Re: United States v. Bryan Cho
Criminal Docket No. 21-040 (AMD)

Dear Counsel:

Enclosed please find additional discovery materials in accordance with Rule 16 of the Federal Rules of Criminal Procedure. The government also requests reciprocal discovery from the defendant. The contents of this production are detailed below; the government is designating the contents of this production “confidential” pursuant to the terms of the protective order entered in this case.

Responses to Court Orders. The production includes records and information provided to the government by various third parties in response to court orders. The records and information provided and the relevant custodians are referenced below:

Custodian	Bates Range
Apple Inc.	CHO000028927 – CHO000028953; CHO000029004 – CHO000029009
Google LLC	CHO000028954 – CHO000028959; CHO000028960 – CHO000028966; CHO000028984 – CHO000028994; CHO000028995 – CHO000028997; CHO000028998 – CHO000028999; CHO000029000 – CHO000029002

Custodian	Bates Range
Oath Holdings, Inc. / Yahoo	CHO000028967 – CHO000028983
Microsoft Inc.	CHO000029003 – CHO000029003; CHO000029010 – CHO000029011
AT&T	CHO000029012 – CHO000029013

IRS Emails. The production includes emails sent and received by the defendant from his official IRS email account. The emails have been Bates labeled CHO000028923 – CHO000028926.

Search Warrant Returns. The production includes returns for location-information search warrants executed in 2020 (Bates labeled CHO000029014 – CHO000029015) and for premises search warrants executed in January 2021 (Bates labeled CHO000029016 – CHO000029018). The applications in support of these warrants were previously produced. Please be advised that certain records seized by the government during the January 2021 premises searches have been segregated from review by the prosecution team on the ground that they may contain information protected by the attorney-client privilege. These documents are included in the production on a separate CD and have not been reviewed by the prosecution team.

IRS Documents. The production includes certain documents and records obtained from the IRS, including toll records for the defendant's official work telephone; documents related to the defendant's case inventory; statements of earnings and leave; employment verification documents; and records of certain queries made by the defendant in law enforcement databases. These documents have been Bates labeled CHO000028483 – CHO000028922 and CHO000029019 – CHO000029028.

* * *

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, data, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely upon at trial, or that were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendant have copies of those statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony that the defendant intends to use as evidence at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

Very truly yours,

MARK J. LESKO
Acting United States Attorney

By: /s/
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Enclosures

cc: Clerk of the Court (AMD) (by ECF) (without enclosures)